

REMARKS

Applicants appreciate the detailed examination evidenced by the Office Action dated June 10, 2008. In response, Applicants respectfully cancel Claim 52, amend Claims 1, 33, 41 and 47 and request reconsideration of presently pending Claims 1-51 based on the following remarks. Applicants respectfully submit that the claims as presented are patentable over the cited reference and are in condition for allowance for at least the following reasons.

Interview Summary Under MPEP §713.04

On October 6, 2008, Examiner Hashem extended courtesies to Applicants' undersigned representative, Timothy J. Wall, in conducting a telephonic interview regarding the claims rejected in the June 10, 2008 Office Action. No agreement was reached regarding allowability of the pending claims. Applicants respectfully appreciate Examiner Hashem's suggestions regarding clarifying amendments and in her efforts to advance the prosecution in the present application.

Claims 1-52 Satisfy 35 U.S.C. §112, second paragraph

The Office Action rejects Claims 1-52 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. (Office Action, page 2.) Specifically, the Office Action rejection is based on the use of the term "and/or" in the claims. Applicants respectfully submit that the term "and/or" is a well-defined logical construct of an alternative expression and that alternate expressions are expressly sanctioned by MPEP §2173.01. Accordingly, this recitation is not indefinite. Indeed, a word search of the USPTO Patent Full-text and Image database indicates that over one hundred forty thousand (140,000+) patents include the term "and/or" in their claims. Accordingly, this term is widely used in claims and certainly is not indefinite. Applicants therefore respectfully request withdrawal of the rejection under 35 U.S.C. §112, second paragraph.

Independent Claims 1, 33, 41 and 47 are patentable

The Office Action rejects Claims 1-52 under 35 U.S.C. §102(e) as being anticipated by U.S. Published Patent Application No. 2005/0010638 to Richardson et al. ("Richardson").

(Office Action, page 3.) Applicants respectfully submit that Claim 1 is patentable over Richardson for at least the reason that Richardson does not disclose or suggest several of the recitations therein. For example, Claim 1, as amended, recites:

A videoconferencing method using Quality of Service (QoS) and/or bandwidth allocation in a Regional/Access Network (RAN) that provides end-to-end transport between an Application Service Provider (ASP) and Customer Premises Equipment (CPE), the method comprising:
receiving, by the ASP, a request for a videoconference designating a plurality of participants from one of the plurality of participants;
requesting, by the ASP, a desired QoS and/or bandwidth allocation for the videoconference for the plurality of participants from the RAN using at least one Application Programming Interface (API) call responsive to the received request for a videoconference; and
activating the videoconference for the plurality of participants using the desired QoS and/or bandwidth allocation,
wherein the API includes an Application-to-Network Interface (ANI) that is defined between the RAN and the ASP. (Emphasis added.)

In rejecting Claim 1, the Office Action states that Richardson discloses:

requesting a desired QoS and/or bandwidth allocation for the videoconference for the plurality of participants from the RAN using at least one Application Programming Interface (API) call responsive to the received request for a videoconference (section 0138; 0195; 0205-0206).

(Office Action, page 3.) Applicants respectfully submit that Claim 1 is amended to clarify that the ASP is requesting the desired QoS and/or bandwidth allocation using an API and that the API "includes an Application-to-Network Interface (ANI) that is defined between the RAN and the ASP." The API cited to in the Office Action appears to be limited to supporting a web cam. For example, Richardson states:

[t]he web cam should be supported through either the USB or Firewire (IEEE1394) interface using the Video For Windows (VFW) Application Programming Interface (API) provided by the Windows operating system or through an alternative capture driver used under a different operating system such as Linux.

(Richardson, paragraph 0195.) Applicants respectfully submit that the API described in Richardson does not disclose or suggest "an Application-to-Network Interface (ANI) that is defined between the RAN and the ASP," as recited in Claim 1. Moreover, the web cam

related API is the only mention of an API in Richardson. Accordingly, Richardson does not disclose or suggest "requesting, by the ASP, a desired QoS and/or bandwidth allocation for the videoconference for the plurality of participants from the RAN using at least one Application Programming Interface (API) call," as recited in Claim 1. Applicants respectfully submit that Claim 1 is patentable over Richardson for at least these reasons and respectfully request the allowance thereof.

The Office Action rejects Claim 41 under the same rationale as Claim 1. Applicants respectfully submit that Claim 41 is patentable over Richardson for at least similar reasons to those discussed above regarding Claim 1. Accordingly, Applicants respectfully request the allowance of Claims 1 and 41.

Applicants respectfully submit that independent Claim 33, as amended, is patentable for at least the reason that Richardson does not disclose or suggest several of the recitations therein. For example, Claim 33, as amended, recites:

A videoconferencing method using Quality of Service (QoS) and/or bandwidth allocation in a Regional/Access Network (RAN) that provides end-to-end transport between an Application Service Provider (ASP) and a Customer Premises Equipment (CPE), the method comprising:

receiving, from the ASP, at the RAN a modify QoS and/or bandwidth allocation message for a videoconference for a plurality of participants;

identifying, by the RAN, the participants and at least one CPE associated with the participants;

establishing, by the RAN, a control signal application flow, a video application flow and an audio application flow for each of the identified participants;

updating the RAN with QoS and/or bandwidth information for the established application flows based on the received modify QoS and/or bandwidth allocation message; and

sending the QoS and/or bandwidth information for the established application flows to the identified at least one CPE,

wherein the RAN includes a regional broadband network, a broadband remote access server and an access network.

In rejecting Claim 33, the Office Action states, in part, that Richardson discloses "establishing video and audio application flows for the identified participants (section 0142-0147; 0205-0206)." (Office Action, page 5.) Applicants respectfully submit that the cited portions do not disclose or suggest that the RAN establishes "a control signal application

flow, a video application flow and an audio application flow for each of the identified participants," as recited in Claim 33. Instead, the cited portions of Richardson describe that the server-client provide for resolution and/or frame rate adjustment. *See, e.g.*, Richardson, paragraphs 0142 and 0205. For example, Richardson describes that "the present invention provides a messaging system that allows a server to control video encoding parameters of each individual client based on messages sent from a videoconference session controlling client or network equipment." Richardson, paragraph 0205. Accordingly, Richardson does not disclose or suggest "establishing, by the RAN, a control signal application flow, a video application flow and an audio application flow for each of the identified participants," as recited in Claim 33.

Additionally, Richardson does not disclose or suggest "wherein the RAN includes a regional broadband network, a broadband remote access server and an access network," as recited in Claim 33, as amended. Applicants respectfully submit that Claim 33 is patentable over Richardson for at least these reasons and respectfully request the allowance thereof.

The Office Action rejects Claim 47 under the same rationale as Claim 33. Applicants respectfully submit that Claim 47 is patentable over Richardson for at least similar reasons to those discussed above regarding Claim 33. Accordingly, Applicants respectfully request the allowance of Claim 47.

Dependent Claims 2-32, 34-40, 42-46 and 48-51 are patentable

Applicants submit that dependent Claims 2-32, 34-40, 42-46 and 48-51 are patentable over Richardson at least by virtue of the patentability of independent Claims 1, 33, 41 and 47, respectively. In addition, various ones of the dependent claims are separately patentable. For example, dependent Claim 4 further recites that:

the method further comprises receiving confirmation of the request for a desired QoS and/or bandwidth allocation from the RAN and wherein requesting a desired QoS and/or bandwidth allocation comprises *transmitting a modify* QoS and/or bandwidth allocation message including updated QoS and/or bandwidth allocation information for the videoconference for the plurality of participants *from the ASP*. (*Emphasis added.*)

The Office Action cites paragraphs 0205-0206 and 0211-0212 as teaching the recitations of Claim 4. Applicants respectfully submit that, in contrast with the recitations of Claim 4, the cited portions of Richardson appear to describe that the clients request modifications from the server. For example, Richardson, at 0211 describes "the message "MSG-_WINDOW_SWITCH" is sent from a client (e.g., session controller) to the server 205." Accordingly, Richardson does not disclose or suggest "receiving confirmation of the request for a desired QoS and/or bandwidth allocation from the RAN" or "transmitting a modify...from the ASP," as recited in Claim 4. For at least these reasons, dependent Claim 4 is separately patentable over Richardson, the allowance of which is hereby requested.

Regarding dependent Claim 7, the Office Action refers to paragraph 0205 of Richardson. Applicants respectfully submit that Claim 7 recites, in part "after activating the videoconference: deactivating the videoconference for the plurality of participants; and notifying the RAN that the desired QoS and/or bandwidth allocation for the videoconference is no longer desired." Applicants respectfully submit that paragraph 0205 is devoid of any reference related to the recitations of Claim 7 and thus Claim 7 is separately patentable over Richardson. If the Examiner maintains this rejection, Applicants respectfully request that a subsequent rejection include, with specificity, which portion of paragraph 0205 provides the teachings related to the recitations of Claim 7 that are relied upon in the rejection. Additionally, dependent Claim 9 depends from Claim 7 and is thus separately patentable for at least the same reasons.

Regarding dependent Claim 10, the Office Action refers to paragraphs 0063; 0065; 0138; 0164-0166; 0186; 0207 of Richardson. Applicants respectfully submit that Claim 10 recites, in part:

wherein the videoconference has an associated application flow for video and an associated application flow for audio and wherein requesting a desired QoS and/or bandwidth allocation comprises *requesting a different desired QoS and/or bandwidth allocation for the video application flow and the audio application flow. (Emphasis added.)*

In contrast with the Office Action allegation, the cited portions of Richardson do not disclose or suggest "requesting a different desired QoS and/or bandwidth allocation for the

video application flow and the audio application flow," as recited in Claim 10. The cited portions of Richardson appear to merely discuss different codecs for video and audio and layering and synchronizing, but do not appear to discuss the recitations of Claim 10. For at least these reasons, Claim 7 is separately patentable over Richardson. If the Examiner maintains this rejection, Applicants respectfully request that a subsequent rejection include, with specificity, which of the cited portions provide the teachings related to the recitations of Claim 10 that are relied upon in the rejection. Additionally, dependent Claims 11-29 depend from Claim 10 and are thus separately patentable for at least the same reasons.

Regarding dependent Claim 30, the Office Action refers to paragraphs 0101-0102; 0205-0206 of Richardson. Applicants respectfully submit that Claim 30 recites, in part:

wherein requesting a desired QoS and/or bandwidth allocation
comprises requesting a desired QoS and/or bandwidth allocation from a
plurality of RANs associated with the videoconference.

In contrast with the Office Action allegation, the cited portions of Richardson do not disclose or suggest "a plurality of RANs associated with the videoconference," as recited in Claim 30. For example, paragraphs 0205 and 0206 appear to describe a user interface for a videoconference application and a videoconference session controller, respectively. Additionally, paragraphs 0101 and 0102 appear to describe that the server determines the location of each user and actions concerning the possibility of a low bandwidth link, respectively. Accordingly, the cited portions of Richardson do not disclose or suggest "requesting a desired QoS and/or bandwidth allocation from a plurality of RANs associated with the videoconference," as recited in dependent Claim 30. For at least these reasons, Claim 30 is separately patentable over Richardson.

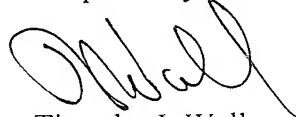
Applicants respectfully submit that the above discussed dependent claims are merely representative of all of the dependent claims and that numerous other of the dependent claims are separately patentable as well. Applicants will refrain from discussing independent patentability regarding other of the dependent claims in the interest of brevity, but reserve the right to do so in future communications if necessary.

In re: Huslak et al.
Serial No.: 10/756,784
Filed: January 13, 2004
Page 19

Conclusion

As all of the claims are now in condition for allowance, Applicants respectfully request allowance of the claims and passing of the application to issue in due course. Applicants urge the Examiner to contact Applicants' undersigned representative at (919) 854-1400 to resolve any remaining formal issues.

Respectfully submitted,

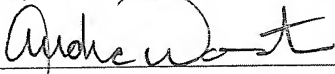


Timothy J. Wall
Registration No. 50,743
Attorney for Applicant(s)

USPTO Customer No. 39072
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: 919/854-1400
Facsimile: 919/854-1401

CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on November 10, 2008.



Audra Wooten